RESPONSE TO COMMENTS
For
Chintilly 2 Prescribed Burn Project

Date: October 31, 2007

Responsible Official: David W. Jensen
District Ranger
Chattooga River Ranger District
Chattahoochee & Oconee National Forests

1. **The proposed dozer and hand line at the northern end of the burn area (linking FS Road 156A back to Sarah's Creek Road, FS Road 156) appears to be right on the boundary of the inventoried roadless area. Such dozer lines, often turn into illegal ATV trails, which would push illegal traffic into an area the Forest Service is tasked to protect under the current Land and Resource Management Plan for the Chattahoochee N.F.** ***(Georgia Forestwatch, 8/17/07)***

The burn unit's northern boundary is adjacent to the southeast corner of the Sarah's Creek inventoried roadless area. The control line that is designated for blading on the Chintilly 2 prescribe burn is located on an existing road that has been blocked to ATV's successfully for several years using the "tank trap" method of closure. The existing road will connect FS Road 156A with FS Road 156. The road is located in an area where the topographic features (steep and rocky) and vegetation types (thick mountain laurel and rhododendron thickets) are not conducive to illegal ATV traffic into the inventoried roadless area. The burn unit is located in the Warwoman Wildlife Management Area and the local Department of Natural Resource (DNR) Wildlife Technician knows of no existing illegal ATV problems in the area (personal communication, Craig Nelson, GA DNR – Wildlife, 9/26/07). The Forest Service Law Enforcement Officer also confirms this statement (personal communication, Jeff Angel, USDA Forest Service, 9/26/07).

In order to ensure that no illegal access will be promoted by this project, mitigation measures are planned as outlined in the decision memo. Prior to blading, Forest Service and DNR law enforcement officers will be alerted to possible illegal ATV traffic in the area. When the project is completed the bladed lines will be "tank trapped" on both ends, and seeded. Trees, snags, dead falls and brush will be cut or pushed parallel into the line to help discourage illegal traffic on the bladed lines itself (see DM, page 2).

2. **The appropriate biological and archeological surveys be conducted to ensure there are no sensitive sites or protected, endangered, threatened, or special or locally rare species in the burn area.** ***(Georgia Forest Watch, 8/17/2007)***

Both a biological evaluation (BE) and a cultural resource survey (CR) have been completed for this project (see DM, pages 4, 5, 6 and 7). The findings of these analyses are documented in the project file.

3. **Coordinate with Georgia DNR Wildlife Resources Division officials to ensure the burn does no harm, from a wildlife point of view, in the Warwomen Wildlife Management Area.** ***(Georgia Forest Watch 8/17/2007)***

This project was coordinated with the GA DNR Wildlife Resources Division, Regional Biologist. Overall, it was agreed upon that the long-term beneficial effects of the prescribed burn will outweigh any short-term negative impacts to wildlife species. This burn will benefit the fire maintained oak / pine communities, thus benefiting the wildlife species which inhabit these communities (see DM, pages 1-2).

4. **Monitor, pre and post burn to see if this mosaic-style burn has a desired effect on future forest health and the restoration of native tree species, especially mast producing hardwoods.** ***(GA. Forest Watch 8/17/2007)***

On 8/23/2007 two (2) fire effects monitoring plots were randomly established and pre burn data was collected by the District Fire Management Officer, District Wildlife Biologist, Regional Fire Ecologist, State DNR Botanist and District Firefighters (data in project file). This monitoring will allow forest managers to assess the effectiveness of the burn in meeting the desired future condition(s) of the burn unit. This monitoring meets the Region 8 standards for monitoring of fire effects according to (FSH 5140). This information will be located in the Districts project folder. The District plans to collect post monitoring data within the first growing season following the burn (see DM, pages 7-8).

5. **Forest Service Personnel are not qualified to burn anything. Over the past 15 years they have let numerous fires jump the fire lines and burn large areas that were not prescribed.** ***(Rabun County Coalition 7/24/07)***

All fireline personnel used in prescribed burning on the Chattooga River Ranger District must meet National Wildfire Coordination Group (NWCG) fireline standards and qualifications. All personnel that will be used on this project will meet those high standards and qualifications or exceed them for their positions held. Prescribed burns are executed under strict guidelines that reduce the risk for the fire to escape while still conducting the burn with environmental conditions conducive to reaching the objectives for the project (DM, pages 3-5). Instances of spotting, where areas outside of the prescribed burn catch on fire, will have qualified fire personnel on the project site to bring these areas under control with minimal unplanned acres burned.

6. **Prescribe fires kill the mountain laurel and rhododendron because of the sensitivity to fire and if they re-grow at all the time scale are years. The burns kill small hardwoods which are needed to replace the ones of older age. Case and point, the road side along Tigue Gap to the north is a prime example of devastation. The whole area of the burn has not grown back, the berry bushes are gone, and the undergrowth is minimal at best. There was no enhancement of wildlife food supply, but a devastation of nutrition and the production of grasses, forbs and woody browse; this is only one of dozens of examples in Rabun County.** ***(Rabun County Coalition 7/24/07)***

As stated in the scoping letter (first page) and the DM (page 1), prescribed burning would enhance the food supply for wildlife species. Reduction of the evergreen understory (including but not limited to mountain laurel and rhododendron) is an important effect of prescribed burning because it reduces the number of competing species such as white pine that inhibit browse production and advanced oak regeneration (Final Environmental Impact Statement for the Land and Resource Management Plan for the Chattahoochee – Oconee National Forests (FEIS), page 3-306).

Generally, most mountain laurel and rhododendron are top-killed and sprout back after the burn. This allows an increase in growing space for other plants, increasing the diversity of species across the project area. Prescribed burning causes an increase in the abundance of fire-tolerant woody plant stems, forbs, grasses and legumes for up to three years after burning. However, there is a temporary decrease in production of fruits the first year after burning (FEIS, page 3-306).

My staff can be made available to examine the area ("Tigue Gap") in question. Post-burn Evaluations as well as more in-depth monitoring are and will be conducted in the future to document changes in forest community species, structure and arrangement (see Response #4)

7. **The Forest Service by law and regulation cannot burn during the Growing season, but wait until the trees are dormant.** ***(Rabun County Coalition 7/24/07)***

Under the present Chattahoochee-Oconee Land and Resource Management Plan (LRMP) January 2004, both growing season and dormant season prescribed burning are allowed (page 2-52 thru 5-55) Growing season burning is a tool to allow for the management of valuable ecosystem dynamics within the designated planning area.

8. **I have yet to see a crop of native legumes at the end of the following growing season. Fire may increase forage and wildlife openings in middle and South Georgia and in pine plantations, but not necessarily in the mountains.** ***(Rabun County Coalition 7/24/07)***

Prescribed fire, which is broadly accepted in the scientific and management community as an important disturbance process in many natural systems which occur throughout the

Southern Appalachian physiographic region, is often used as a management tool because of it's many potential benefits which include: (1) reduction of fuel loads to minimize the risk and impacts of wildfire; (2) reduction of the evergreen understory to promote regeneration of desirable species such as oaks; (3) increased diversity of plants, small mammals, birds, amphibians, and insects; (4) stimulation of fast-growing new shoots to increase productivity and forage for herbivores; and (5) stimulation of nutrient cycling rates to increase site productivity (see first page of scoping letter and DM, pages 1-3). Therefore, prescribed fire is often utilized as a management tool because the above mentioned benefits of this tool often align directly with meeting the overall goals of the Forest Plan. The above mentioned fire effects monitoring (see Response #4) will be used to document herbaceous response as a result of this prescribed burn.

9. **The prescribe burn would violate 16 USC 1604 (g) (3) (B) as it concerns diversity of plant and animal communities in preservation of the diversity of tree species similar to that existing in the area as the fire would kill the small growth.** ***(Rabun County Coalition 7/24/07)***

The citation is referencing the National Forest Management Act (NFMA) of 1976. Specifically, this citation states that the Forest Service will "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to the section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan."

Management of the National Forest is made in two stages. Chapter 1 in both the Forest Plan (pages 1-1 to 1-8) and the FEIS (pages 1-1 to 1-20) document this process. The first stage is the Forest Plan, which allocates lands and resources to various uses or conditions by establishing management areas and management prescriptions for the land and resources within the plan area. This was completed most recently with the 2004 revision of the Forest Plan.

The second stage is approval of project decisions like this prescribed burn. On pages 2 and 3 of the DM, the purpose and need for the project is documented with specific reference to the Forest Plan. Consistency with the specific Management Prescription is discussed on page 3 of the DM. Consistency with the revised Forest Plan is documented on page 7 of the DM, specifically referencing the NFMA.

The goals and objectives of this prescribed fire are generally focused on providing a diversity of habitats (natural systems) which are beneficial to a broad range of plant and animal species. As previously mentioned, prescribed fire is planned to create a diversity of habitats as required for plants and animals native to the Blue Ridge Mountain Physiographic landscape.

10. ***A)*** **16 USC 1604 (g) (3) (E) (iii) would be violated for the stream banks would not be protected, the temperatures of the water could possibly rise and sediment from the burn would damage the trout stream. This burn would seriously and adversely affect water conditions or fish habitat by destroying stream and or bank cover.** ***B)*** **Riparian areas: 36 CFR 219.27 (e) special attention shall be given to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water etc. This CFR would be grossly violated; in your letter you state that the stream would be the boundary.** ***C)*** **NEPA 40 CFR 131.13 (1987) would be violated as it concerns anti-degradation regulations issued under the clean water act which require full protection of existing beneficial uses both point and non-point sources of pollution. Also CFR 131.12 the potential for pollution from ash and siltation after the burn is too great to attempt the prescribe burn knowing the past record of the Forest Service.** ***(Rabun County Coalition 7/24/07)***

A) Standards from the Forest Plan would be followed, as referenced and discussed in the DM on pages 2-7. This type of prescribed burning falls within a categorical exclusion, which means that it has been determined to have no significant effect on the environment (DM, page 5). There are no extraordinary circumstances that exist that may raise a concern over the burn possibly causing significant effects (DM, page 5).

The reason that this project is categorically excluded is based on past and ongoing research. Effects from intensive burning such as wildfires in the riparian zone has demonstrated that fish and wildlife have a suite of adaptations; due to the fact these organisms have adapted to environments where fire is a natural component of the landscape, and that the recovery is rapid post fire. Additionally, fire contributes wood and coarse sediment that is essential to a productive aquatic habitat (Reeves et al. 1995). Salmonids, such as trout, are adapted to variable environments from natural disturbances due to their diverse life history traits (Rieman et al. 1997, Gresswell 1999). Mortalities are usually associated with severe fire intensities, such as wildfires (Minshall et al. 1989, McMahon and deCalesta 1990, Rieman et al. 1997). Fish populations can recover within a few days post large disturbances (Peterson and Bayley 1993).

B) Special attention was given to land and vegetation within 100 feet of Sarah's Creek and other watercourses. These areas are addressed in the Forest Plan as Management Prescription 11 – Riparian Corridors (page 3-171). Standards and mitigation measures are detailed in the DM that treat this area differently from the adjacent upland portion of the prescribed burn.

Survey plots in the riparian area were studied in 2004 and 2005 on the Tallulah District to understand any potential differences between salamander abundance and or diversity in burned and unburned plots. From sampling 9 plots, no significant differences occurred between burned and unburned sites of salamander abundance and or diversity (Elliott and Smith, 2005, unpublished USFS report). Furthermore, re-vegetation after burning in the

riparian area is usually rapid unless the area is compacted by logging (Rieman and Clayton 1997).

C) The antidegradation policy (40 CFR 131.12 - - not 131.13) is discussed on page 2-42 of the FEIS for the Forest Plan. The FEIS states that "the 1972 Clean Water Act requires states to establish water quality standards for streams and water bodies, including designation of beneficial uses, criteria to protect these beneficial uses, and an antidegradation policy. The Forest Service must meet, or exceed, these State procedural and substantive requirements for water quality on the National Forests." Effects on watersheds are discussed in the FEIS, pages 3-35 to 3-72. Georgia's Best Management Practices (BMP's)(referenced throughout the DM) along with the riparian prescription (DM, page 3) and Forest Plan Standards (some of which directly reference BMP's)(also referenced throughout the DM) are rules for implementing projects to meet non-point source pollution guideline and avoid adverse effects to soil and water resources.

Fire can play a significant role in nitrate transport in aquatic ecosystems. Nitrates are a key indicator of response to disturbance. Hydrological losses of nitrates and nitrogen from water chemistry studies were insignificant in streams where prescribed fire burned in the riparian area in the Southern Appalachians (Clinton et al. 2003). Furthermore, high intensity burns in the Southern Appalachians where streams were monitored for nitrogen were found to be unaffected by intensity or severity of the burn (Vose, et al. 2005). Monitored studies of water chemistry on a moderate intensity prescribed fire demonstrated that calcium concentrations increased whereas phosphorous levels were not significantly different. Water monitoring data indicated that these elevated levels lasted for approximately 3 months (Stephens, et al. 2004).

See the DM, pages 6-7 for additional findings related to this comment. This project will comply with the Clean Water Act. Burning as prescribed will cause negligible amounts of erosion and sedimentation, and there will be no effect on water quality. This project will avoid permanent impairment of site productivity and ensure conservation of water resources.

11. 36 CFR 219.19 is already being broken because Sara's Creek has to be stocked; therefore a viable population of native species is not in existence. The habitat would not be provided but would be burned. ***(Rabun County Coalition 7/24/07)***

Salmonids, such as trout, are adapted to variable environments from natural disturbances due to their diverse life history traits (Rieman et al. 1997, Gresswell 1999). Fish populations can recover within a few days post large disturbances (Peterson and Bayley 1993). Mortalities are usually associated with severe fire intensities, such as wildfires Minshall et al. 1989, McMahon and deCalesta 1990, Rieman et al. 1997).

12. 36 CFR219.23 (d) (e) (f): the Forest Service would not be in compliance with the clean water act nor the safe drinking water act, nor the soil productivity nor the minimal risk of flood loss, etc. ***(Rabun County Coalition 7/24/07)***

See response 10C for an explanation of compliance with the Clean Water Act.

The Safe Water Drinking Act (SWDA) is discussed starting on page 3-50 of the FEIS. The SWDA is designed to protect both surface and ground water used for drinking water purposes. There is no designated municipal water source located within this project area therefore SWDA is not applicable to this project.

Under "Findings Required by Other Laws," the determination was made that site productivity would not be impaired (DM, page 7).

On page 6 of the DM, it is stated that "the action would not affect … floodplains ..." Explanations of this determination are given in this same paragraph.

13. 36 CFR 219.27 (1) would be violated. ***(Rabun County Coalition 7/24/07)***

36 CFR Part 219 are the implementing regulations for the NFMA. Refer to Response #9.

14. 36 CFR 219.27 (a) (8) would be violated. ***(Rabun County Coalition 7/24/07)***

Refer to Reponses #9 and #13.

15. The project area parallels and enters the Historical Apple Valley area and therefore would violate FSM 1909.15, 10, 15; FSM 2670and FSM 2360. ***(Rabun County Coalition 7/24/07)***

There is no Forest Service Manual (FSM) 1909.15. Forest Service Handbook (FSH) 1909.15 is the Environmental Policy and Procedures Handbook that documents the procedures to conduct environmental analysis, thereby complying with the National Environmental Policy Act (NEPA) and the implementing regulations promulgated by the Council of Environmental Quality (CEQ) in 40 CFR Parts 1500-1508.

Chapter 10 outlines general environmental analysis, including scoping (10.2), informing the public (10.3-2-b), and the responsibilities of the deciding official (10.41). The analysis for this project fully complies with all of FSH 1909.15, including this section. Details on public involvement (DM, page 7) and scoping (DM, page 7) are provided in the DM and also in the scoping letter itself along with the mailing list(project file). All responsibilities (10.41: 1, 2, 3, 4 and 8) applicable for a categorical exclusion have been met by the District Ranger.

Chapter 15 involves estimating effects of each alternative. In this case, the District Ranger (responsible official) has determined that this project is categorically excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS) (DM, page 5). This is both because it falls under a category determined to have no significant effect on the quality of the human environment (DM, page 5) and that there are no extraordinary circumstances that might cause an otherwise routine project to possibly have a higher level of environmental effects.

FSM 2670 provides guidance and is one of the steps of the Biological Evaluation (BE). As documented on pages 5 and 6 of the DM, a BE has been completed for this project, and is available for review in the project file.

FSM 2360 provides administrative policies and guidelines related to special interest areas, including scenic, historical, geological, botanical, zoological, palentological, and other special areas (2360.2). The DM addresses these areas on page 4 (heritage resources, prehistoric sites), page 5 (BE – botanical and zoological resources), and page 6 (BE analysis; National Historic Preservation Act; wetlands, floodplains, Wilderness Areas, wilderness study areas, National Recreation Areas, Research Natural Areas and inventoried roadless areas). A copy of the documentation for heritage resources is included in the project file, and a sanitized version of these documents can be made available for review upon request.

16. There is a Panther roaming the Warwoman area; therefore the continued burning of the various areas would destroy its habitat; there are also a minimum of 1 or 2 Cougars in Eastern Rabun County. The Forest Service knows this but will not acknowledge it. ***(Rabun County Coalition 7/24/07)***

The Florida panther (Felis concolor coryi) and eastern cougar (Felis concolor cougar) are both considered extirpated from the state of Georgia. (Protected Animals of Georgia 1999). Reported panther sightings around the area, often describe the animal in question as "black." Since neither of the above mentioned species are black, but rather a tan or buff color, the reported sightings are considered to be "released" non-native species or complete mis-identifications altogether. According to U.S. Fish and Wildlife Service Biologists, "[i]n spite of the numerous reports, none has produced hard evidence, therefore, we believe it is very reasonable to consider them extirpated" (hard evidence would be considered car-mortality, cast of foot print or scat, nuisance calls or pictures). However, even if panthers <u>were</u> present, this project would benefit the species by increasing it's prey source in the area, which includes white-tailed deer, feral pigs, rabbits, raccoons and other small mammals.

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